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Attorneys for Plaintiff, The Bank of New York Mellon f/k/a The Bank of New York as successor to JPMorgan Chase Bank, not individually but solely as trustee for the holders of the Bear Stearns ALT-A Trust 2004-11, Mortgage Pass-Through Certificates, Series 2004-11

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

THE BANK OF NEW YORK MELLON
F/K/A THE BANK OF NEW YORK AS
SUCCESSOR TO JP MORGAN CHASE
BANK, NOT INDIVIDUALLY BUT
SOLELY AS TRUSTEE FOR THE HOLDER
OF THE BEAR STEARNS ALT-A TRUST
2004-11, MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2004-11,

Plaintiff,
vs.

STEWART INFORMATION SERVICES,
CORP.; STEWART TITLE GUARANTY
COMPANY; DOE INDIVIDUALS I through
X; and ROE CORPORATIONS XI through
XX, inclusive,

Defendants.

Case No.: 2:21-cv-01492-RFB-DJA

**STIPULATION TO CONTINUE
DEADLINE TO SUBMIT PROPOSED
SCHEDULING ORDER**

Plaintiff Bank of New York Mellon f/k/a The Bank of New York as successor to
PMorgan Chase Bank, not individually but solely as trustee for the holders of the Bear Stearns
ALT-A Trust 2004-11, Mortgage Pass-Through Certificates, Series 2004-11 (“BNYM”) and
Defendants Stewart Information Services Corp. (“SISC”) and Stewart Title Guaranty Company
“STGC” (SISC and STCG, collectively, “Defendants” and with BNYM, the Parties”), by and

1 through their undersigned counsel, stipulate and agree as follows, subject to the approval of the
2 Court:

3 This is a title insurance coverage disputes pending in this district following an HOA
4 foreclosure sale. Defendants removed this matter from Nevada state court [ECF No. 1]. BNYM
5 has moved to remand this case [ECF No. 17] and Defendants filed their opposition [ECF No. 24].
6 BNYM's response is due October 1, 2021.

7 On September 1, 2021, STGC moved to stay this case until an appeal in a different title
8 insurance dispute is resolved, *Wells Fargo Bank, N.A. v. Fidelity National Title Ins. Co.*, Ninth
9 Cir. Case No. 19-17332 (Dist. Ct. Case No. 3:19-cv-00241-MMD-WGC) ("*Wells Fargo II*").
10 [ECF No. 9]. BNYM opposed the motion to stay [ECF No. 21]. The motion to stay is now fully
11 briefed and waiting for adjudication. The *Wells Fargo II* appeal is scheduled to be heard on
12 October 20, 2021.

13 The proposed scheduling order is due October 1, 2021. Defendants have asked that
14 BNYM agree to abstain from any discovery in this matter until the Motion to Stay is resolved.
15 Although BNYM opposes a stay, in an effort to compromise BNYM has agreed to abstain from
16 discovery at least until the *Wells Fargo II* appeal is heard. If the Motion to Stay remains
17 unresolved at that time, the parties will meet and confer to discuss next steps, including whether
18 the case should proceed. In order to achieve this, the parties stipulate and agree that the deadline
19 to submit a proposed scheduling order should be continued by 45 days until November 15, 2021.
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1 By entering into this stipulation, none of the Parties is waiving its right to subsequently
2 move the Court for any relief if they are unable to reach consensus by November 15, 2021, or
3 should other circumstances arise that merit appropriate relief.

4 **IT IS SO STIPULATED.**

5 DATED this 30th day of September, 2021.

6 WRIGHT, FINLAY & ZAK, LLP

7 /s/ Darren T. Brenner

8 Darren T. Brenner, Esq.
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10 7785 W. Sahara Ave., Suite 200
11 Las Vegas, NV 89117
12 *Attorneys for Plaintiff, The Bank of New York
Mellon f/k/a The Bank of New York as
successor to JPMorgan Chase Bank, not
individually but solely as trustee for the
holders of the Bear Stearns ALT-A Trust
2004-11, Mortgage Pass-Through
Certificates, Series 2004-11*

5 DATED this 30th day of September, 2021.

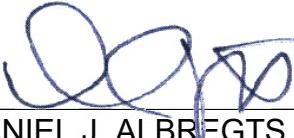
6 MAURICE WOOD

7 /s/ Brittany Wood

8 Brittany Wood, Esq.
9 Nevada Bar No. 7562
10 8250 West Charleston Boulevard, Suite 100
11 Las Vegas, Nevada 89117
12 *Attorneys for Defendants, Stewart
Information Services Corp., and Stewart
Title Guaranty Company*

16 **IT IS SO ORDERED.**

17 Dated this 4th day of October, 2021.

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19 DANIEL J. ALBRECHTS
20 UNITED STATES MAGISTRATE JUDGE
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